

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

NOTICE

UNITED STATES OF AMERICA

Case No. 1:14-CR-100

V.

MATTHEW JAMES KERR,
Defendant

Type of Case:

() Civil (X) Criminal

(xx) TAKE NOTICE that the proceeding in this case has been **SCHEDULED** for the place,
date and time set forth below:

U.S. Courthouse
Federal Building
228 Walnut St.
Harrisburg, PA 17108

COURTROOM NO. 2
Ninth Floor
Date: April 14, 2014
Time: **11:00 a.m.**

TYPE OF PROCEEDING: Final Revocation of Supervised Release

Gary L. Hollinger, ACTING CLERK

s/ *Rashelle Weida*

Rashelle Weida, Deputy Clerk

DATED: April 8, 2014

To: USM
U.S. Attorney's Office
Pre-Trial Services/Probation
Counsel
File

UNITED STATES DISTRICT COURT
for the
WESTERN DISTRICT OF PA

United States of America
v.

MATTHEW JAMES KERR

Defendant

Case No. 14-327M

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at:

at the revocation hearing in the
Middle District of PA *Place*

on

the date & time to be determined.
Date and Time

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

ADDITIONAL CONDITIONS OF RELEASE

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

- () (6) The defendant is placed in the custody of:

Person or organization _____

Address (only if above is an organization) _____

City and state _____

Tel. No. _____

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: _____

Custodian

Date

- (X) (7) The defendant must:

- (X) (a) submit to supervision by and report for supervision to the telephone number _____, no later than _____

- () (b) continue or actively seek employment.

- () (c) continue or start an education program.

- (X) (d) surrender any passport to: _____

- (X) (e) not obtain a passport or other international travel document.

- (X) (f) abide by the following restrictions on personal association, residence, or travel: _____

- (X) (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: _____

- () (h) get medical or psychiatric treatment: _____

- () (i) return to custody each _____ at _____ o'clock after being released at _____ o'clock for employment, schooling, or the following purposes: _____

- () (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

- (X) (k) not possess a firearm, destructive device, or other weapon.

- (X) (l) not use alcohol () at all (X) excessively.

- (X) (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

- (X) (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.

- () (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.

- () (p) participate in one of the following location restriction programs and comply with its requirements as directed.

- () (i) Curfew. You are restricted to your residence every day () from _____ to _____, or () as directed by the pretrial services office or supervising officer; or

- () (ii) Home Detention. You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or

- () (iii) Home Incarceration. You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court.

- () (q) submit to location monitoring as directed by the pretrial services office or supervising officer and comply with all of the program requirements and instructions provided.

- () You must pay all or part of the cost of the program based on your ability to pay as determined by the pretrial services office or supervising officer.

- (X) (r) report as soon as possible, to the pretrial services office or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.

- () (s) _____

(X) PA Board of Probation & Parole
conditions of release are
incorporated by reference.

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.



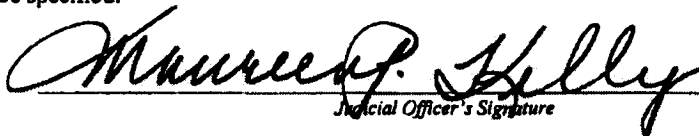
Defendant's Signature

PITTSBURGH, PA

City and State

Directions to the United States Marshal

- (☒) The defendant is ORDERED released after processing.
 () The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: 4/3/2014


Judicial Officer's Signature

MAUREEN P. KELLY, U.S. MAGISTRATE JUDGE

Printed name and title

DISTRIBUTION COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL

PBPP-10 Rev(09/2002)

ORDER TO RELEASE ON PAROLE/REPAROLE

The Pennsylvania Board of Probation and Parole hereby grants parole/reparole to the prisoner named and on the sentences described below. It further ordered that he/she be released on the date indicated below. Subject to Board approval of a satisfactory plan and to the Conditions governing Parole/ Reparole (PBPP-11) and upon condition that he/she commits no misconducts or crimes, and that no evidence of past crimes or mental illness, previously undiscovered, comes to light.

Name of Prisoner	ParNo.	Inst.No.	Authorized Date of Release
MATTHEW JAMES KERR	7042V	KU3157	

Place of Confinement	Date of Return (Reparole Cases Only)
State Correctional Institution Mercer	

County	Date of Sentence(s)	Tp	Term(s)/Indictment Number(s)	OTN(s)	Offense(s)/Charge(s)
A FRANKL	05/09/2012	CC	CP 100001912CT1	L5856126	ACC DEV FRAUD
Judge(s)			Term(s) of Sentence(s)		Expiration Dates
					Minimum Maximum
A DOUGLAS W. HERMAN		01YR 06MO	04YR		03/24/2014 09/24/2016

* YOU ARE PAROLED ON OR AFTER 03/24/2014 TO FEDERAL VOP DETAINER; APPROVED HOME TO BE AVAILABLE.

PAROLE RELEASE SUBJECT TO DETAINERS

Signed this 17th day of December, 2013 at Harrisburg, PA

PENNSYLVANIA BOARD OF PROBATION AND PAROLE

Kimberly A. Barkley

Kimberly A. Barkley
BOARD SECRETARY
SID 18606577

Actual Date of Release 3/26/14

Pennsylvania Board of Probation and Parole
PBPP-11 (Rev. 7/91)

CONDITIONS GOVERNING PAROLE/REPAROLE

To: **KERR, Matthew**

Parole No. **7042V**

1. Report in person or in writing within 48 hours to the district office or sub-office listed below, and do not leave that district without prior written permission of the parole supervision staff.

IMMEDIATELY UPON RELEASE FROM FEDERAL DETAINER, YOU MUST REPORT TO:
Chambersburg Sub Office
630 Norland Avenue
Chambersburg PA 17201
Phone: 717-491-1038

2. Your approved residence is listed below and may not be changed without the written permission of the parole supervision staff.

Miki Kerr (wife)
121 Springwood Avenue
St Thomas PA 17252
Phone: 717-369-5235 or 717-816-5235

3. Maintain regular contact with the parole supervision staff by:
- reporting regularly as instructed and following any written instructions of the Board or the parole supervision staff.
 - notifying the parole supervision staff within 72 hours of: (1) your arrest; or (2) your receipt of a summons or citation for an offense punishable by imprisonment upon conviction; and
 - notify the parole supervision staff within 72 hours of any change in status, including, but not limited to, employment, on-the-job training, and education.
4. Comply with all municipal, county, state and Federal criminal laws, as well as the provisions of the Vehicle Code (75 Pa. C.S. § 101 et seq.), and the Liquor Code (47 P.S. § 1-101 et seq.)
5. You shall:
- abstain from the unlawful possession or sale of narcotics and dangerous drugs and abstain from the use of controlled substances within the meaning of the Controlled Substance, Drug, Device, and Cosmetic Act (35 P.S. § 780-101 et seq.) without a valid prescription;
 - refrain from owning or possessing any firearms or other weapons; and
 - refrain from any assaultive behavior.
6. You shall pay fines, costs, and restitution imposed on you by the sentencing court. You shall establish with appropriate county authorities within thirty (30) days of your release from prison a payment schedule for the fines, costs and restitution owed for those cases for which you are now on state parole. Thereafter, you shall:
- pay these obligations according to the established payment schedule or as ordered by the court;
 - provide proof of such payment to parole supervision staff; and
 - keep the parole supervision staff and the court informed of any changes in your financial ability to pay fines, costs and restitution.
7. You shall comply with the special conditions listed on page 2 imposed by the Board and with special conditions imposed by the parole supervision staff.

Additionally, should problems arise, or questions occur concerning the conditions of your parole/reparole, consult with the parole supervision staff, and they will help you in the interpretation of the Conditions of Parole/Reparole.

If you are arrested on new criminal charges, the Board has the authority to lodge a detainer against you which will prevent your release from custody, pending disposition of those charges, even though you may have posted bail or been released on your own recognizance from those charges.

If you violate a condition of your parole/reparole and, after the appropriate hearing(s), the Board decides that you are in violation of a condition of your parole/reparole you may be recommitted to prison for such time as may be specified by the Board.

If you are convicted of a crime committed while on parole/reparole, the Board has the authority, after an appropriate hearing, to recommit you to serve the balance of the sentence or sentences which you were serving when paroled/reparoled, with no credit for time at liberty on parole.

If you think that any of your rights have been violated as a result of your parole supervision, you may submit a timely complaint in writing, first to the district director of the district office through which you are being supervised. If your complaint is not resolved to your satisfaction, you may then submit your complaint in writing to the Pennsylvania Board of Probation and Parole, Bureau of Probation Services, 1101 South Front St Suite 5400, Harrisburg, Pa. 17104-2520

In consideration of being granted the privilege of parole/reparole by the Pennsylvania Board of Probation and Parole, I hereby agree that:

If I am ever charged with a parole violation arising out of my conduct while in a jurisdiction other than the Commonwealth of Pennsylvania, the revocation of my parole for that violation may be based solely on documentary evidence and I hereby waive any right to confront or cross-examine any person who prepared any such documentary evidence or who supplied information used in its preparation;

I expressly waive extradition to the Commonwealth of Pennsylvania from any jurisdiction in or outside of the United States, where I may be found, and I shall not contest any effort by any jurisdiction to return me to the United States or to the Commonwealth of Pennsylvania; and

I expressly consent to the search of my person, property and residence, without a warrant by agents of the Pennsylvania Board of Probation and Parole. Any items, in the possession of which constitutes a violation of parole/reparole shall be subject to seizure, and may be used as evidence in the parole revocation process.

PBPP-11 (rev 03/88)

TO: MATTHEW JAMES KERR

PAROLE NO: 7042V

INSTITUTION NO: KU3157

7. SPECIAL CONDITIONS:

ACCOMMODATION/LIVING CONDITIONS

YOU SHALL NOT OPERATE A MOTOR VEHICLE WITHOUT A VALID PENNSYLVANIA DRIVER'S LICENSE, PROOF OF INSURANCE, VEHICLE REGISTRATION AND SUPERVISING AGENT'S WRITTEN PERMISSION.

ALCOHOL/DRUG/MENTAL HEALTH/SEX OFFENDER PROBLEMS

YOU SHALL ACHIEVE NEGATIVE RESULTS IN SCREENING TESTS RANDOMLY CONDUCTED BY THE BOARD TO DETECT YOUR USE OF CONTROLLED SUBSTANCES AND DESIGNER DRUGS, AS DESIGNATED BY THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT, OR TO DETECT YOUR USE OF ALCOHOL, OR BOTH. YOU ARE RESPONSIBLE FOR ALL TESTING COSTS.

YOU SHALL NOT CONSUME OR POSSESS ALCOHOL UNDER ANY CONDITION FOR ANY REASON.

YOU SHALL NOT ENTER ESTABLISHMENTS THAT SELL OR DISPENSE ALCOHOL EXCEPT AS APPROVED BY PAROLE SUPERVISION STAFF.

ATTITUDES/ORIENTATION

YOU SHALL NOT DIRECTLY OR INDIRECTLY HAVE CONTACT WITH VICTIM(S), OR VICTIM'S FAMILIES, INCLUDING CORRESPONDENCE, TELEPHONE CONTACT, OR COMMUNICATION THROUGH THIRD PARTIES.

COMPANIONS

YOU SHALL NOT DIRECTLY OR INDIRECTLY HAVE CONTACT OR ASSOCIATE WITH PERSONS WHO SELL OR USE DRUGS, OUTSIDE A TREATMENT SETTING OR POSSESS DRUG PARAPHERNALIA.

EDUCATION/EMPLOYMENT

YOU SHALL MAINTAIN EMPLOYMENT/VOCATIONAL TRAINING/SCHOOLING AS APPROVED BY PAROLE SUPERVISION STAFF. IF UNEMPLOYED YOU SHALL ENGAGE IN AN ACTIVE JOB SEARCH AND PROVIDE VERIFICATION AS DIRECTED BY PAROLE SUPERVISION STAFF.

FAMILY/MARITAL

YOU SHALL SUPPORT DEPENDENTS, IF ANY.

FINANCIAL

YOU SHALL NOT OPEN, MAINTAIN, WRITE CHECKS ON, MAKE WITHDRAWALS FROM, MAKE DEPOSITS TO, OR CHARGE EXPENSES TO ANY CHECKING, SAVINGS, OR CREDIT CARD ACCOUNT IN YOUR OR ANOTHER'S NAME, UNLESS APPROVED IN ADVANCE AND IN WRITING BY PAROLE SUPERVISION STAFF.

PBPP-11 (rev 03/88)

TO: MATTHEW JAMES KERR

PAROLE NO: 7042V

INSTITUTION NO: KU3157

7. SPECIAL CONDITIONS:

OTHER

YOU SHALL PAY A MONTHLY SUPERVISION FEE AS DETERMINED BY PAROLE SUPERVISION STAFF TO THE PAROLE BOARD WHILE UNDER SUPERVISION WITHIN THE COMMONWEALTH OF PENNSYLVANIA (ACT 35 OF 1991).

WHEN RELEASED TO THE COMMUNITY YOU MUST REPORT IN PERSON TO THE DISTRICT OFFICE OR SUB OFFICE WITHIN 24 HOURS (MONDAY THROUGH FRIDAY) BETWEEN THE HOURS OF 8:30 A.M. - 5:00 P.M. THE DECISION ANNOUNCED BY THIS BOARD ACTION (PBPP-15) WILL NOT TAKE EFFECT UNTIL YOU HAVE SIGNED THE CONDITIONS (PBPP-11), AND THE RELEASE ORDERS (PBPP-10) HAVE BEEN ISSUED. YOU REMAIN UNDER THE JURISDICTION AND CONTROL OF THE DEPARTMENT OF CORRECTIONS UNTIL YOU HAVE SIGNED THE PBPP-11, AND THE PBPP-10 HAS BEEN ISSUED. THIS PBPP-15 DOES NOT AUTHORIZE YOU TO CHANGE YOUR RESIDENCE FROM ANY COMMUNITY CORRECTIONS CENTER OR GROUP HOME IN WHICH YOU MAY BE RESIDING WHEN YOU RECEIVE IT.

OTHER SPECIAL CONDITIONS

YOU SHALL ABIDE BY THE RULES AND REGULATIONS OF THE INSTITUTION.

YOU SHALL NOT POSSESS AMMUNITION UNDER ANY CONDITION OR FOR ANY REASON.

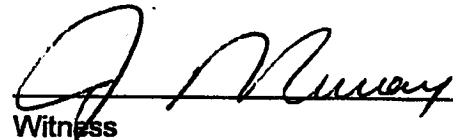
ALL ABOVE/PREVIOUSLY IMPOSED PAROLE CONDITIONS APPLY TO EVERY SENTENCE FOR WHICH YOU ARE NOW ON PAROLE, CONSTRUCTIVE OR OTHERWISE.



Signature of Parolee

3-24-14

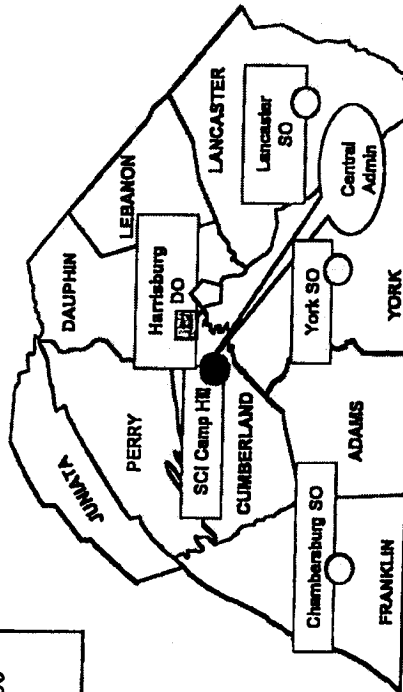
Date


Witness

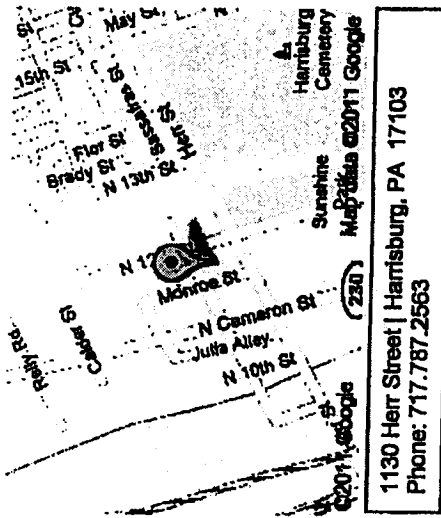
Witness

Note: If signed by mark, there must be two witnessess to execution of the instrument.

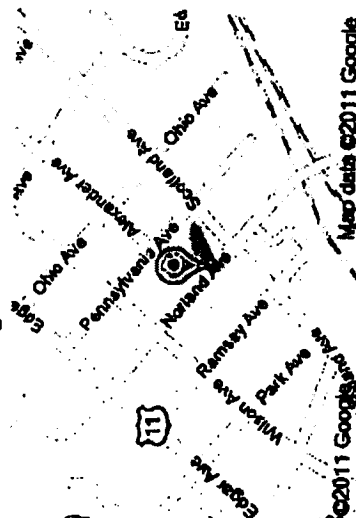
**State Correctional
Institution**



Harrisburg District Office

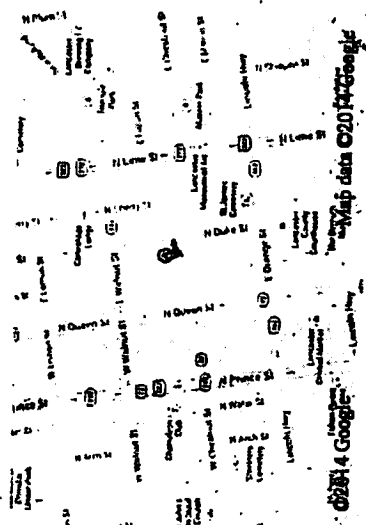


Chambersburg Sub Office



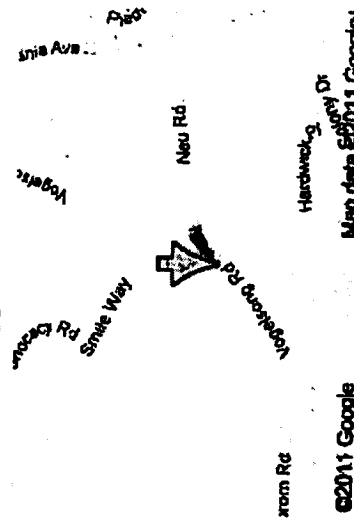
630 Norland Avenue | Chambersburg, PA 17201
Phone: 717.491.1038

Lancaster Sub Office



**39 East Chestnut Street | Suite B
Lancaster, PA 17602
Phone: 717.288.7593**

York Sub Office



785 Vogelsong Road | York, PA 17404
Phone: 717.812.0263

**United States District Court
Middle District of Pennsylvania (Harrisburg)
CIVIL DOCKET FOR CASE #: 1:10-mc-00403-CCC
Internal Use Only**

4/14 @ 11am

United States Of America v. Kerr
Assigned to: Chief Judge Christopher C. Conner

Date Filed: 11/03/2010

Plaintiff



United States Of America

represented by **Dennis C. Pfannenschmidt**
U.S. Attorney's Office
Room 217, Federal Building
228 Walnut St.
Suite 220
Harrisburg, PA 17108
717-221-4482
Email:
dennis.pfannenschmidt@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Mathew James Kerr

Date Filed	#	Docket Text
11/03/2010	 <u>1</u>	TRANSFER OF JURISDICTION re: Defendant Mathew Kerr - have not received certified copies of indictment, judgment and docket sheet from WD of PA. (pjr) (Entered: 11/03/2010)
11/03/2010	 <u>2</u>	DOCUMENT SEALED pursuant to Court Order. (pjr) (Entered: 11/03/2010)
11/23/2010	<u>3</u>	Transfer of Jurisdiction Documents received from WD of PA re Matthew Kerr. (pm,) (Entered: 11/23/2010)
03/28/2014	<u>4</u>	Docket Sheet from WDPa. (pjr) (Entered: 03/28/2014)
03/28/2014	<u>5</u>	Financial Affidavit from the WDPa. (pjr) (Entered: 03/28/2014)
03/28/2014	<u>6</u>	Waiver of Rule 5 hearing from the WDPa. (pjr) (Main Document 6 replaced on 3/28/2014) (pjr). (Entered: 03/28/2014)
03/28/2014	<u>7</u>	Waiver of a Preliminary Hearing from the WDPa. (pjr) (Entered: 03/28/2014)
03/28/2014	<u>8</u>	Commitment to Another District from the WDPa. (pjr) (Entered: 03/28/2014)

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

USA,

v.

WARRANT FOR ARREST

MATHEW JAMES KERR

Case Number: **1:05-CR-00053-SJM**

To: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest **MATHEW JAMES KERR ,**

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

Indictment Information Complaint Order of Court Violation Notice Probation
Violation Petition

charging him or her with (brief description of offense)

see attached

in violation of Title n/a United States Code, Section(s) n/a

dm
Name of Issuing Officer

Deputy Clerk
Title of Issuing Officer

Signature of Issuing Officer

10/19/10 Erie
Date and Location

Bail fixed at to be set by U.S. Magistrate Judge

RETURN

This warrant was received and executed with the arrest of the above-named defendant _____

Date Received

Name and Title of Arresting Officer

Date of Arrest

Signature of Arresting Officer

Prob 12
(Rev. 3/88)

**UNITED STATES DISTRICT COURT
For The
WESTERN DISTRICT OF PENNSYLVANIA**

U.S.A. vs. Matthew James Kerr

Docket No. 05-00053-001 Erie

Petition on Supervised Release

COMES NOW Theodore W. Johnson, CHIEF PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of Matthew James Kerr, who was placed on supervision by the Honorable Sean J. McLaughlin sitting in the Court at Erie, Pennsylvania, on the 25th day of September 2006, who fixed the period of supervision at 3 years and imposed the general terms and conditions theretofore adopted by the Court and also imposed special conditions and terms as follows:

- The defendant shall not commit another federal, state, or local crime.
- The defendant shall not illegally possess a controlled substance.
- The defendant shall not possess a firearm or destructive device.
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- The defendant shall participate in a program of testing and treatment for substance abuse as directed by the Probation Office, until such time as the defendant is released from the program by the probation officer. Further, the defendant shall be required to contribute to the cost of services for any such treatment in an amount determined by the probation officer, not to exceed the actual costs. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter.
- The defendant shall pay any restitution balance through monthly installments of not less than 10 percent of his gross monthly income.
- The defendant shall provide the probation officer with access to any requested financial information.
- The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer.
- The defendant shall participate in a mental health treatment program as directed by the probation officer, until such time as the defendant is released from the program by the probation officer.
- The defendant shall pay \$26,724.79 in restitution. Any payment made that is not payment in full shall be divided proportionately among the victims named. the defendant shall make restitution jointly and severally with his codefendants Kevin Marshall Warner, Richard Paul Cole, Jeremias Noel Cordero, Dean allen Kline, Neal Andrew Miller, Benjamin Eric Nye, Kenneth Michael green, Jr., and Larraine Wild. The defendant shall initially make payment on restitution through the bureau of prisons' Inmate Financial Responsibility Program, through which 50 percent of his prison salary shall be applied to the restitution. any restitution balance remaining at the commencement of supervision shall be paid as a condition of supervised release.
- The defendant shall cooperate in the collection of DNA as directed by the probation officer.
- The defendant shall pay a special assessment of \$100.

09-25-06: Conspiracy to Pass False and Fictitious Checks; sentenced to 25 months' custody of the Bureau of Prisons, to be served consecutively to the sentence at Franklin County Court of Common Pleas, Docket No. 747 of 2005, to be followed by 3 years' supervised release.

03-18-08: Transfer of supervision from the Western District of Pennsylvania to the Middle District of Pennsylvania.

12-12-08: Released to supervision; currently supervised by USPO William Gottlieb, Middle District of Pennsylvania.

U.S.A. vs. Matthew James Kerr
Docket No. 05-00053-001 Erie
Page 3

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AND FOR CAUSE AS FOLLOWS:

Your Petitioner reports that the supervised releasee has violated the following conditions:

The defendant shall not commit another federal, state, or local crime.

Mr. Kerr was arrested by the Pennsylvania State Police on September 21, 2010, and was charged with Access Device Fraud and Theft by Deception. The criminal complaint alleges that between July 10, 2010, until August 13, 2010, Mr. Kerr obtained a gas card from Kyner's Auto Sales and made unauthorized purchases with the card. According to the complaint, Mr. Kerr used the card to purchase twelve \$105.44 gift cards for a total of \$1,265.28. The card was intended to be used only for gasoline purchases by the business' tow truck driver(s). Mr. Kerr was employed by the business. Bond in the case was set at \$10,000 straight bond and Mr. Kerr is presently incarcerated at the Franklin County Jail. In addition, Mr. Kerr is presently under the supervision of the Pennsylvania Board of Probation and Parole and a parole detainer has been lodged against him. A preliminary hearing is scheduled for October 5, 2010.

PRAYING THAT THE COURT WILL ORDER that a bench warrant be issued for the supervised releasee's arrest and that the warrant be lodged as a detainer at Franklin County Jail, Chambersburg, Pennsylvania.

ORDER OF COURT

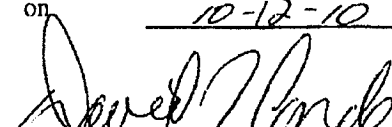
Considered and ordered this 18th day of October, 20 10 and ordered filed and made a part of the records in the above case.

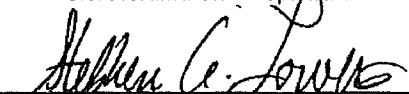
The Honorable Sean J. McLaughlin
Digitally signed by The Honorable Sean J. McLaughlin
DN: cn=The Honorable Sean J. McLaughlin, o=usc
email=Judge_Sean_McLaughlin@pawd.uscourts.gov,
c=US
Date: 2010.10.18 11:01:08 -0400

Sean J. McLaughlin
U.S. District Judge

I declare under penalty of perjury that the foregoing is true and correct.

Executed
on

10-12-10

David J. Conde
U.S. Probation Officer Specialist


Stephen A. Lowers
Supervising U.S. Probation Officer

Place: Erie, PA.